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IN THE DRAWINGS:

Please enter the attached one (1) sheet of formal drawing, Figure 4, to replace Figure 4 as originally filed.

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REMARKS

Claims 1-11, as amended, remain herein. Claims 12 and 13 remain herein but are presently withdrawn from consideration.

Claims 1-11 have been edited for clarity.

1. The finality of the restriction requirement is acknowledged.

2. Objections were stated to the drawings for allegedly not illustrating all of the claim elements. Actually, element 10a is found in the specification at page 8, line 11, and element 15 is found at page 12, line 13. The specification has been amended to refer to edge planes 10b and 15b.

Submitted herewith is a duplicate copy of Fig. 4 revised to include the Prior Art legend. The Office Action suggests that Fig. 3 might describe prior art. However, the specification, page 8, lines 5-8, describes the presently claimed invention with reference to Fig. 3. Withdrawal of the objection to the drawings is respectfully requested.

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3. Claims 8 and 9 were rejected under 35 U.S.C. §112, second paragraph. Claims 8 and 9 have been amended to moot the rejection. Reconsideration and withdrawal of the rejection are respectfully requested.

4. Claims 1 and 3-5 were rejected under 35 U.S.C. §102(b) over Rosynsky et al. U.S. Patent 4,142,864.

The presently claimed canned honeycomb structure includes a ceramic honeycomb structure not loaded with a catalyst, a metal case and a holding material, the holding material located between the ceramic honeycomb structure and the metal case, the holding material and the metal case having a common longitudinal direction, wherein the holding material has at least one peripheral edge defining at least one edge plane perpendicular to the longitudinal direction, and an impermeable layer located on the at least one edge plane. This arrangement is nowhere disclosed or suggested in the cited reference.

The presently claimed invention is directed to a canned honeycomb structure that is not loaded with a catalyst, and thus the claimed subject matter does not correspond to a finally assembled catalytic converter.

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The Office Action cites Rosynsky '864 as allegedly disclosing a honeycomb structure loaded in a metal case, together with a holding material and impermeable layer. However, neither the Office Action nor Rosynsky '864 mentions anything about the honeycomb structure not loaded with a catalyst. In fact, Rosynsky '864, beginning at column 3, line 24, describes apparatus 10, shown in Rosynsky '864, Fig. 1, as including a casing 12, closure members 14 and 16, and other conduit structures for ducting gas through apparatus 10. Rosynsky '864, column 3, line 56, first mentions "ceramic catalytic element 28 "positioned within casing 12." Rosynsky '864 goes on to describe adding plug 45 to seal catalytic element 28. But, Rosynsky '864 does not disclose or suggest a ceramic honeycomb structure being located in the metal case, held by the holding material, and not loaded with a catalyst. Rosynsky '864 simply does not contemplate a canned honeycomb structure not containing a catalyst (and an impermeable layer located on at least one edge plane perpendicular to the longitudinal direction of the holding material), and there is nothing in the present record to suggest otherwise.

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Therefore, Rosynsky '864 does not disclose or suggest all of the limitations recited in applicants' claim 1.

For the foregoing reasons, Rosynsky '864 fails to disclose all elements of applicants' claimed invention, and therefore is not a proper basis for rejection under §102. And, there is no disclosure or teaching in Rosynsky '864 that would have suggested the desirability of modifying any portions thereof effectively to anticipate or suggest applicants' presently claimed invention. Claims 3-5, which depend from claim 1, are allowable for the same reasons explained herein for claim 1. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

5. Claims 1, 4-6, 8 and 9 were rejected under 35 U.S.C. §102(b) over Close et al. U.S. Patent 3,959,865.

The presently claimed canned honeycomb structure includes a ceramic honeycomb structure not loaded with a catalyst, as described herein.

The Office Action cites Close '865 as allegedly disclosing a honeycomb structure loaded in a metal case, together with a holding material and impermeable layer. However, neither the Office Action nor Close '865 mentions

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anything about the honeycomb structure not loaded with a catalyst. In fact, Close '865, column 3, beginning at line 47, describes Fig. 1 showing casing 10 having end portions 12 enclosing catalyst support 20, and retaining layers 22 and 30. But, Close '865 does not disclose or suggest a ceramic honeycomb structure being located in the metal case, held by the holding material, and not loaded with a catalyst. Close '865 simply does not contemplate a canned honeycomb structure not containing a catalyst (and an impermeable layer located on at least one edge plane perpendicular to the longitudinal direction of the holding material), and there is nothing in the present record to suggest otherwise. Therefore, Close '865 does not disclose or suggest all of the limitations recited in applicants' claim 1.

For the foregoing reasons, Close '865 fails to disclose all elements of applicants' claimed invention, and therefore is not a proper basis for rejection under §102. And, there is no disclosure or teaching in Close '865 that would have suggested the desirability of modifying any portions thereof effectively to anticipate or suggest applicants' presently claimed invention. Claims 4-6, 8 and 9, which depend from

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claim 1, are allowable for the same reasons explained herein for claim 1. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

6. Claims 1, 4, 5, 7 and 9 were rejected under 35 U.S.C. §102(e) over Harding U.S. Patent 6,017,498.

The presently claimed canned honeycomb structure includes a ceramic honeycomb structure not loaded with a catalyst, as described herein. This arrangement is nowhere disclosed or suggested in the cited reference.

The Office Action cites Harding '498 as allegedly disclosing a honeycomb structure loaded in a metal case, together with a holding material and impermeable layer. However, neither the Office Action nor Harding '498 mentions anything about the honeycomb structure not loaded with a catalyst. In fact, Harding '498, column 2, beginning at line 59, describes Fig. 1 showing converter apparatus 2 including metal housing 4 enclosing catalyst support 6, support devices 8, 8', with ports 12 and 14 at each end of metal housing 4. But, Harding '498 does not disclose or suggest a ceramic honeycomb structure being located in the metal case, held by

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the support devices, and not loaded with a catalyst. Harding '498 simply does not contemplate a canned honeycomb structure not containing a catalyst (and an impermeable layer located on at least one edge plane perpendicular to the longitudinal direction of the holding material), and there is nothing in the present record to suggest otherwise. Therefore, Harding '498 does not disclose or suggest all of the limitations recited in applicants' claim 1.

For the foregoing reasons, Harding '498 fails to disclose all elements of applicants' claimed invention, and therefore is not a proper basis for rejection under §102. And, there is no disclosure or teaching in Harding '498 that would have suggested the desirability of modifying any portions thereof effectively to anticipate or suggest applicants' presently claimed invention. Claims 4, 5, 7 and 9, which depend from claim 1, are allowable for the same reasons explained herein for claim 1. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

7. Claims 2, 3 and 10 were rejected under 35 U.S.C. §103(a) over Rosynsky '864.

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Claims 2, 3 and 10, which depend from claim 1, are allowable for the same reasons explained herein for claim 1. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

8. Claim 2 was rejected under 35 U.S.C. §103(a) over Close '865.

Claim 2, which depends from claim 1, is allowable for the same reasons explained herein for claim 1. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

9. Claim 2 was rejected under 35 U.S.C. §103(a) over Harding '498.

Claim 2, which depends from claim 1, is allowable for the same reasons explained herein for claim 1. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

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10. Claim 2 was rejected under 35 U.S.C. §103(a) over Machida et al. U.S. Patent 5,782,089.

The presently claimed canned honeycomb structure includes a ceramic honeycomb structure not loaded with a catalyst, as described herein, as recited in claim 1, from which claim 2 depends. This arrangement is nowhere disclosed or suggested in the cited reference.

The Office Action cites Machida '089 as allegedly disclosing a honeycomb structure loaded in a metal case, together with a holding material and impermeable layer. However, neither the Office Action nor Machida '089 mentions anything about the honeycomb structure not loaded with a catalyst. In fact, Machida '089, column 3, beginning at line 27, describes Fig. 1 showing catalytic converter 10 including metal housing 2 enclosing honeycomb catalyst 1, together with securing member 3, seal member 4 and metal flange members attached to housing 2. But, Machida '089 does not disclose or suggest a ceramic honeycomb structure being located in the metal case, held by the support devices, and not loaded with a catalyst. Machida '089 simply does not contemplate a canned honeycomb structure not containing a catalyst (and an

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impermeable layer located on at least one edge plane perpendicular to the longitudinal direction of the holding material), and there is nothing in the present record to suggest otherwise. Therefore, Machida '089 does not disclose or suggest all of the limitations recited in applicants' claim 1.

For the foregoing reasons, Machida '089 does not contain any teaching, suggestion, reason, motivation or incentive that would have led one of ordinary skill in the art to applicants' claimed invention. Nor is there any disclosure or teaching in XX that would have suggested the desirability of modifying any portions thereof to anticipate or suggest applicants' presently claimed invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

All claims 1-11 are now proper in form and patentably distinguished over all grounds of rejection stated in the Office Action. Accordingly, allowance of all claims 1-11 is respectfully requested.


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Should the Examiner deem that any further action by the applicants would be desirable to place this application in even better condition for issue, the Examiner is requested to telephone applicants' undersigned representatives.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

November 30, 2004
Date



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RWP:RNW/mhs

Attachments: 1 sheet annotated drawing showing changes -
Fig. 4
1 replacement sheet - Fig. 4

Attorney Docket No.: WATK:197

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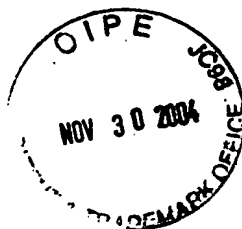


FIG. 3

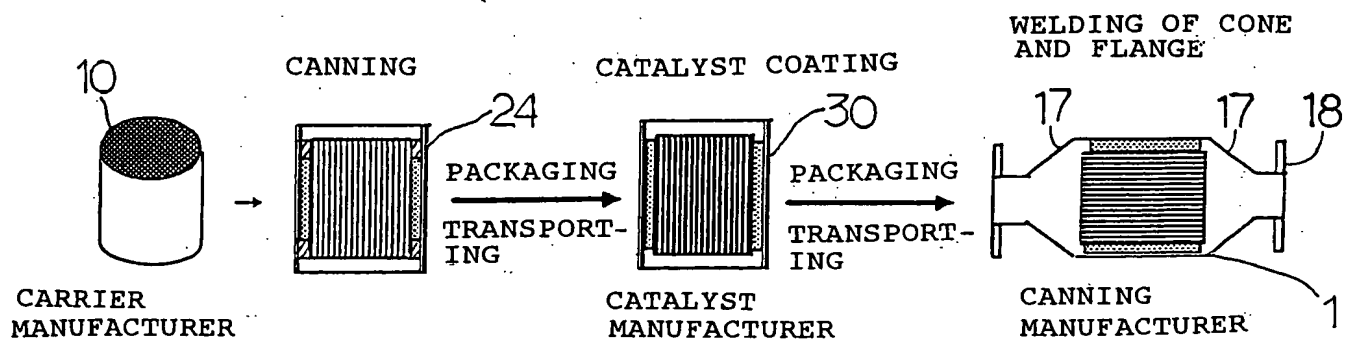


FIG. 4
PRIOR ART

